Navy and Marine Corps Appellate Leave Activity

Marine Corps Discharge Section

Revised on 20120628 by GySgt Glover

NAMALA Mission

Contribute to public safety and efficient manpower by administering the centralized management and tracking for all Navy and Marine Corps personnel on involuntary appellate leave; and members assigned by the Naval Clemency and Parole Board (NC&PB) to parole or supervised release while expediting the discharge process; and to perform such other functions and tasks as directed.

Ref: BUPERSINST 5450.45D

Discharge Functions

Provide information as necessary on appellants on involuntary appellate leave to:

a. The Navy-Marine Corps Appellate Review Activity

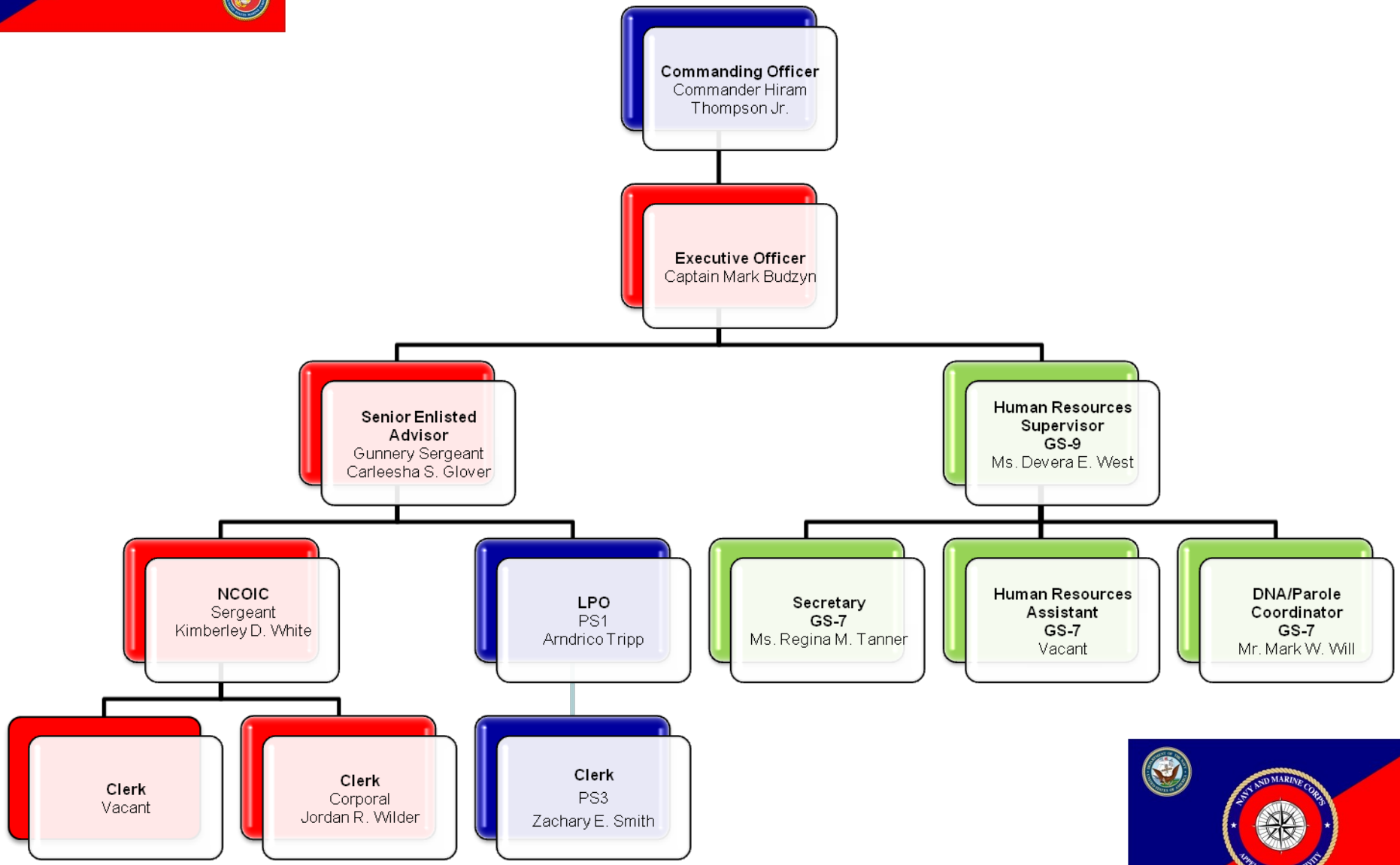
b. The Navy-Marine Corps Court of Criminal Appeals

c. The Naval Clemency and Parole Board

d. Members on appellate leave

e. Other interested parties (subject to the requirements of FOIA/PA)

NAMALA Staff Organization



Definition of Appellate Leave

Defined: Required or permitted leave for members awaiting review of a punitive discharge or dismissal.

Policy: Use required or voluntary (permitted) leave to
aid in removing from the presence of the active force, expeditiously, those members being punitively
discharged or dismissed.

Ref: SECNAVINST 1050.1A
MCO 1050.16A

oluntary vs. Involuntary Appellate Leave

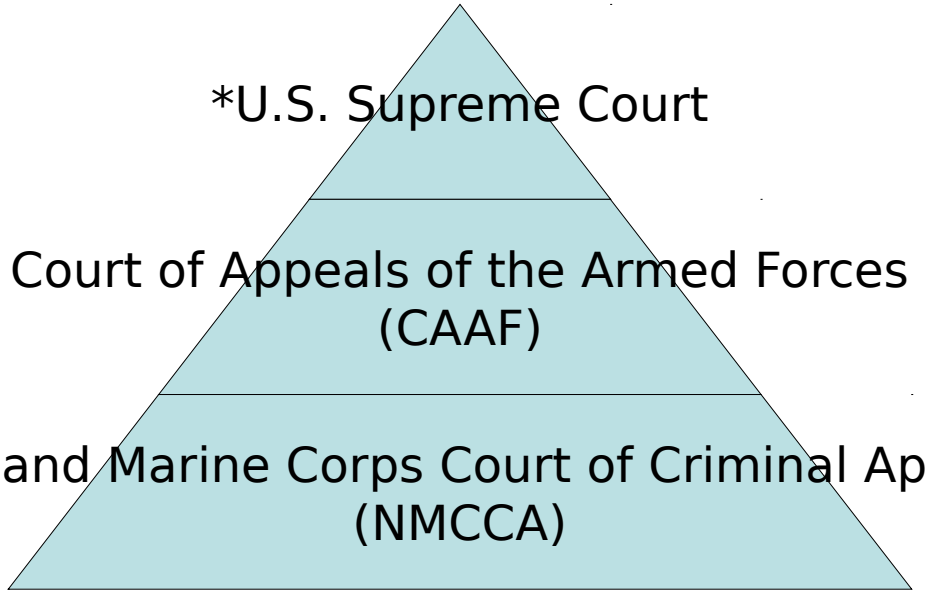
Voluntary	Involuntary
• Convening Authority (CA) <u>has not</u> acted • Adjudged Punitive Discharge • Confinement is completed • Appellate review not waived • Requested by member • Approved by OEGCMJ or OESPCMJ	• Convening Authority (CA) <u>has</u> acted • Punitive Discharge is approved as adjudged • Confinement is completed • Appellate review not waived or case withdrawn from appellate review • Convening Authority (CA) has directed

vs.

ppellate Review Hierarchy

Appellate review is a higher court's review process conducted on a court-martial.

Highest:



Lowest:

*Cases seldom reach the U.S. Supreme Court Level. Most are approved at the NMCCA Level.

Benefits Retained

-Medical & emergency dental care (TRICARE Prime ONLY)

-If an appellant dies while on appellate leave (and appellate review by NMCCA is not final) = Restoration of rights, privileges & property (honorable discharge + back pay and allowances, SGLI, death gratuity, burial).

-Appellate leave counts toward retirement (if conviction is set aside)

-Other benefits: GI Bill, VA loans, exchange & commissary privileges, legal assistance

Medical/Dental Benefits

-Appellants and their dependents are automatically covered by

TRICARE for medical and emergency dental issues.

VA Loans/GI Bill

-Benefits such as granting VA Loans and the GI Bill for member's on appellate leave is solely at the discretion of the VA, however, if member's request these benefits, it is possible that they may receive them up until the point that they are discharged from active service. At this time the member would not be required to pay back the funds already received, but would no longer be entitled to new funding.

-NAMALA is responsible for providing Statements of Service for these purposes.

ommand Responsibilities

The member's parent command's sending SRB/OQR to NAMALA responsibilities PRIOR to:

- ✓ Ensure the member is out of confinement
- ✓ Ensure time lost (if any) is reported
- ✓ Ensure the Convening Authority (CA) has acted
- ✓ Member is reduced to E-1
- ✓ Complete audit of SRB/OQR (utilizing Appellate Leave checklist)
  - ✓ CA Action
  - ✓ Request for Clemency paper work (if applicable)
  - ✓ Involuntary Appellate Leave Orders
  - ✓ Appellate Leave Orders (if applicable)
  - ✓ Appellate Leave Statement
  - ✓ ROT (Results of Trial)
  - ✓ Separation /Final Physical
  - ✓ Medical & Dental Records

ommand Responsibilities

Report Sentence awarded at Court Marital

- ✓ Report Stop CRA
- ✓ Report HIV (no later then 60 days of member being sent on Appellate Leave)
- ✓ Report DNA (prior to confinement)
- ✓ Report Separation/Final Physical (no later then 60 days of member being sent on Appellate Leave)
- ✓ Report Appellate Leave audited
- ✓ NAVMC 1116 submitted to DO/FO
- ✓ Involuntary Appellate Leave letter mailed to member (if applicable)

ommand Responsibilities

-Report member to Appellate Leave

- ✓ SRB/OQR, Medical and Dental Record mail to NAMALA via certified mailed via the U.S. Postal Service using certified (PS Form 3800), return-receipt mail (PS Form 3811) to:

  COMMANDING OFFICER
  NAMALA WASHINGTON NAVY YARD
  1325 10TH ST SE BLDG 196 RM 303
  WASHINGTON DC 20374-5147
  (202) 685-0100

ommand Responsibilities

-Electronic Records

A Case Folder (CF) will be opened on the member being placed on Appellate Leave; inside the CF will be as follows:

-Final Audit to include the Record of Emergency Data (RED) and Service members Group Life Insurance Form (SGLI)
-NAVMC 118 (13) (Record of Conviction)
-CA's Action (CAA)
-Voluntary Appellate Leave Orders (if applicable)
-Involuntary Appellate Leave Orders
-Medical Records (to include Final Physicals)
-Dental Records

Dental and Medical Records along with Case Folder will be mailed via the U.S. Postal Service using certified (PS Form 3800), return-receipt mail (PS Form 3811) to:

COMMANDING OFFICER
NAMALA WASHINGTON NAVY YARD
1325 10TH ST SE BLDG 196 RM 303
WASHINGTON DC 20374-5147

Travel/HHG Moves

-MCO 1050.16A, and Chapter 7 of the JFTR, members who are placed on involuntary appellate leave are entitled to transportation in kind, but no per diem back to their HOR. This travel is completed utilizing the least expensive mode of transportation.

-Simultaneously, all of these references highlight that dependents of members may be entitled to HHG shipments if the convening authority deems it is in the best interest of the service to allow.

Record at NAMALA

-NAMALA checks utilizing SRB/OQR and Join checklist

- ✓ Ensure that the SRB/OQR is assembled properly IAW the IRAM
- ✓ Ensure Appellate Leave Orders are correct. (DO NOT MAKE A MEMBER'S APPELLATE LEAVE ORDERS EFFECTIVE WHILE THEY ARE IN CONFINEMENT OR IN A UA STATUS) A member's appellate leave is effective AFTER they have exhausted their leave balance
- ✓ Ensure that the CA's Action is present and that the punitive discharge was approved and not suspended.

-Checks MCTFS for the following

- ✓ Sentence awarded been reported
- ✓ Rank Reduction has been reported
- ✓ Stop CRA been reported
- ✓ HIV , DNA, Separation/Final Physical has been reported
- ✓ Audit to include the RED has been reported'
- ✓ Member is a "TO APL LV" status

Record at NAMALA

-Checks SRB/OQR, for the following:

- ✓CA’s Action
- ✓Request Clemency (if applicable)
- ✓Involuntary Appellate Leave Orders
- ✓Voluntary Appellate Leave Orders (if applicable)
- ✓Appellate Leave Statement
- ✓ROT (Results of Trial)
- ✓NAVMC 118 (13) Record of Conviction
- ✓Appellate Leave Audit
- ✓Final Physical

-Checks for Medical and Dental Records

Record at NAMALA

-If any errors are identified during NAMALA's join process; the member cannot be joined.

-Once errors are identified by NAMALA, the command will be notified via email and will have 5 business days to correct any and all errors; if not action is taken within those 5 business days on the 6th business day the SRB/OQR, along with medical and dental records, will be mailed back to the command.

AMALA role to the Appellant

-NAMALA serves as parent command to:

- ✓ Verify MGIB education assistance (if eligible)
- ✓ Provide Statements of Service (SOS) to member (as requested)
- ✓ Act as Custodian of members' SRB/OQR/Med/Dental records while their cases are being reviewed by the Court(s).
- ✓ Validate ID Card Authorization (90-day standard issue)

-In summary, NAMALA assists members with administrative needs

Appellant Discharge

Final Check:

- ✓ SRB/OQR Complete
- ✓ Med/Dental Records
- ✓ DNA Drawn (If applicable)
- ✓ Appellate Review Complete (NMCCA/CAAF/Supreme Court)
- ✓ DD-214 Created/Reviewed/Signed
- ✓ NAVMC 11060 submitted to DFAS
- ✓ Mail out DD-214, SRB/OQR, Medical and Dental Record to appropriate agencies

NAMALA Case Returns

-Set Aside Case

- ✓ Officers
  - Contact HQMC (monitor)
  - Send back to last command
  - Restore Entitlements
  - May resign with written letter
- ✓ Enlisted
  - Contact nearest I&I Command
  - Reenlisted / Discharge
  - Restore Entitlements

-Remand Case / NMCCA Decision

- ✓ Officers and Enlisted
  - Send back to command for rehearing
  - Sentence set aside member can no longer be on appellate leave
  - CA's Action set aside by NMCCA

-Withdrawal from Appellate Review

- ✓ Officers and Enlisted
  - Send back to command

-UA / IHCA/IHFA

- ✓ Officers and Enlisted
  - Send back to command

-Death of an Appellant (NAMALA retains)

eath Gratuity/SGLI Payments

-Per MCO 1050.16A, MCO P3040.4E,and Title 10 USC § 1478, until final discharge is effected, members are covered by SGLI and remain eligible for standard death gratuity.

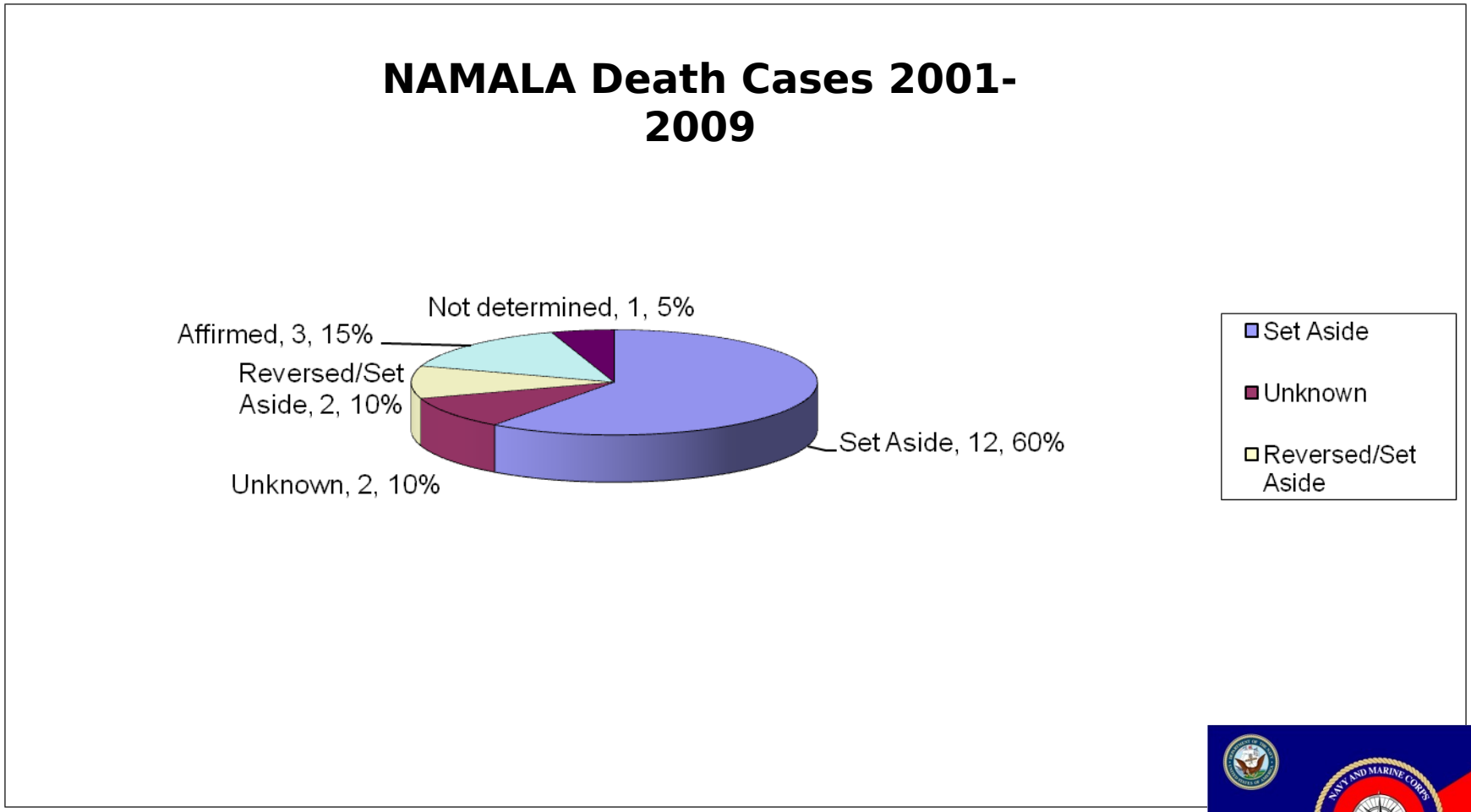
-Member must elect SGLI coverage in an amount not to exceed $400,000 to retain coverage while on appellate leave. The member is still required to make normal SGLI payments, however, pay for SGLI is settled during the final pay settlement conducted by DFAS.

-The standard death gratuity payment is a $100,000 lump sum payment to the member's NOK or designated beneficiary. This is payable as long as the appellant is still considered active duty and it is concurred with by appropriate legal authorities and Marine Corps Casualty Branch

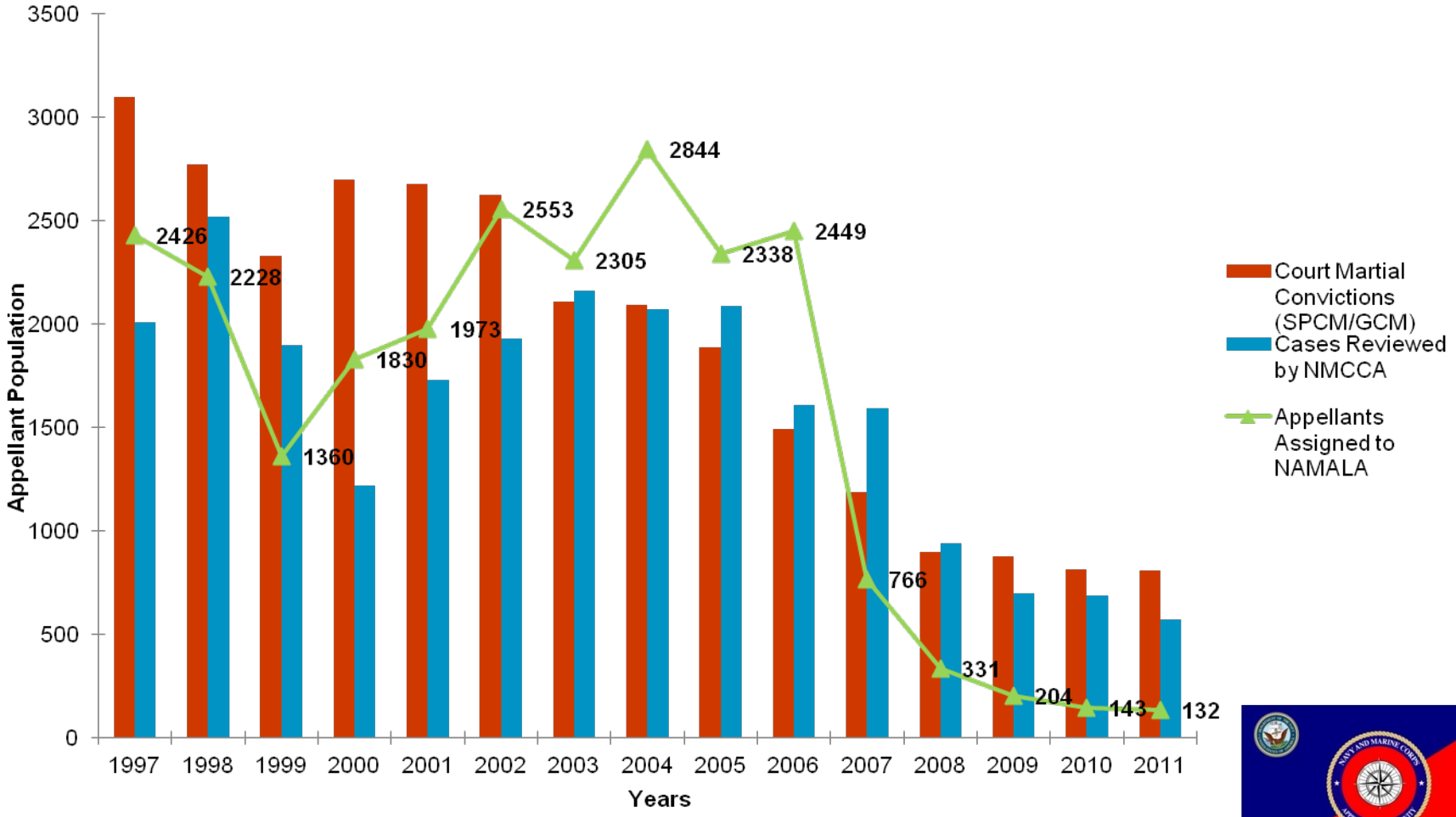
eath Gratuity/SGLI Payments

-The beneficiaries designated by appellants (with the exception of one) have received death gratuity and SGLI upon the members' death, unless the members did not elect coverage. As a result, from 2001 to 2009, death gratuity payments to beneficiaries have totaled $1,448,000 and SGLI payments have totaled $6,825,000 for 20 Marines and Sailors who have died while on appellate leave.

eath Gratuity/SGLI Payments



Appellant Population Statistics for Marines and Sailors Joined to/Discharged by NAMALA



TRENDS

-Audits (TBIR&TRED)

- Missing SNM signatures on TBIR & TRED
- SGLI date does not match the SGLI form
- SGLI Form - Missing signature from SNM and /or command
- SGLI Form – Election reported incorrectly

-Sentence date in the CA's Action should match the (D119 Screen) in 3270

-Reduction in rank should be executed either in accordance with Article 57 or Article 58a (as applicable) per the Manual for Courts Martial 2008 Edition

-Missing Voluntary / Involuntary Appellate Leave Orders

-Missing NAVMC 118 (13) Record of Conviction

-Missing Final Physical documents

NAMALA

CDR Thompson (CO): (202) 685-0101; DSN 325-0101

Capt Budzyn (XO): (202) 685-0102; DSN 325-0102

GySgt Glover (SEA): (202) 685-0103; DSN 325-0103

NAMALA NCOIC: (202) 433-2006; DSN 325-2006

NAMALA: (202) 685-0100; DSN 325-0100

NAMALA FAX: (202) 685-0606

Mailing address:

1325 10th St. SE, Washington Navy Yard, DC 20374-5071

Questions?

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